

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Darren Starr

v.

Civil No. 05-cv-368-JD

Major Cox, et al.

O R D E R

Plaintiff's motion seeks to compel further answers and responses to Interrogatory No. 2 and 7 and Request for Production No. 2. Defendants object.

Discussion

Local Rule 37.1 requires that a discovery motion include a verbatim recitation of each interrogatory or request in the motion or as an attachment. The reason for the rule is so the court can focus on what is at issue and not be required to guess at the issues. Plaintiff has not done that properly here.

1. The motion complains about the inadequacy of the response to Interrogatory No. 2. It also purports to quote No. 2 but in fact Attachment A to the motion refers to Interrogatory No. 7 incorporating No. 5 and Exhibit 2 to the objection contains an interrogatory no. 2 that is quite

different from the purported no. 2 quoted in the motion. The court is left to guess as to whether or what is at issue. Is it no. 2 as set forth in Exhibit 1, a different no. 2 that has not been provided, or no. 5 that is at issue? This part of the motion is denied without prejudice to refile appropriately under LR 37.1.

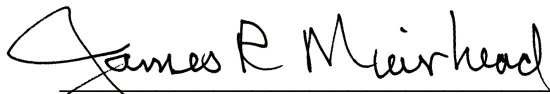
2. Request for Production No. 2. The request and supplemental response are set forth as exhibit F to the motion. It is clear from defendant's response, their Objection and exhibit 5 to the Objection that defendants have fully responded to this request. The motion is denied as to Request No. 2.

3. Interrogatory No. 7 Attachment A to the motion sets forth the interrogatory and the answer. The answers were clarified by further response. See Attachment C to the motion. While plaintiff may not like the lack of specificity of the answers, defendants cannot be compelled to answer what they do not know and cannot reasonably find out. Plaintiff must be satisfied with what has been

recalled and defendants will be held to their answers.

Denied as to No. 7.

SO ORDERED.

A handwritten signature in black ink, reading "James R. Muirhead". The signature is written in a cursive style with a large, looping initial "J".

James R. Muirhead

United States Magistrate Judge

Date: August 23, 2007

cc: Darren Starr, pro se